

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1961.02
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	October 2, 2002
DATE OF REPORT:	November 1, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	February 26, 2003

COMPLAINT ISSUES:

Whether the Gary Community Schools violated:

511 IAC 7-25-7 by failing to conduct an additional evaluation upon the parent's written request, and failing to follow the timelines for conducting an evaluation and convening a case conference committee (CCC) meeting as permitted in 511 IAC 7-25-4.

511 IAC 7-27-4(a)(2) by failing to convene a CCC meeting within twelve months of the preceding CCC to determine whether the annual goals for the student are being achieved.

During the course of this investigation, the following change was made, and an additional issue was added:

511 IAC 7-25-7 was determined not relative to the facts identified in the complaint and shall be disregarded.

511 IAC 7-25-6 (a) and (h) by failing to conduct a re-evaluation for a student receiving special education and related services every thirty-six (36) months, or at the parent's request.

FINDINGS OF FACT:

1. The student (Student) is 18 years old and eligible for special education and related services as a student with a mild mental disability.
2. The Student's last educational evaluation is dated November 19, 1996. The re-evaluation due date would have been November 19, 1999. The CCC Report/IEP dated January 22, 1999 includes the statement; "Parent and Grandmother both request an updated psychological to be completed ASAP before retest date of 11-19-99." The CCC Report/IEP dated December 17, 1999, documents that the re-evaluation is past due and needed "ASAP." The CCC Report/IEP dated January 5, 2001, states that the re-evaluation is "Past Due Requested Last year." On January 5, 2001, the Complainant signed a Permission For Evaluation Form for the Student to be re-evaluated. The CCC Report/IEP dated January 23, 2002, documents that the re-evaluation is past due.
3. The CCC convened on January 8, 2002; but ended prematurely when the Complainant refused to continue the conference due to the School's failure to conduct an evaluation. The school social worker asked the Complainant to sign a current Permission For Evaluation Form, and the Complainant refused. After attempts by the School to get a current form, the Complainant signed a Permission For

Evaluation Form on March 18, 2002. The School states the psychologist began the testing “with a warm-up conversation” to assess the Student’s responsiveness to the evaluator and the testing environment. Eventually, the Student refused to answer any more questions and walked out. The School alleges that, after being notified by the Student, the Complainant called the assistant principal and stopped the testing procedure due to the “personal questions” being asked by the psychologist. The complainant states that she notified the School regarding the questioning of the Student, but did not request the testing be stopped. The Program Supervisor stated that the Student’s re-evaluation has not been completed.

4. The School states that several attempts to reconvene the Student’s CCC were made, but the Complainant never responded to any of the attempts. According to the IEP dated January 23, 2002, the Complainant was notified on January 18 by letter, and on January 22 and 23 by phone. The complainant did not attend the CCC on January 23, 2002, and the CCC developed an IEP for the Student for the 2002-2003 school year. The January 23, 2002, IEP did not require the Complainant’s signature to be implemented by the School.

CONCLUSIONS:

1. Finding of Fact #2 establishes that the School failed to conduct the Student’s re-evaluation due on November 19, 1999, or respond to the Complainant’s request to conduct a re-evaluation in a timely manner, after the Complainant had signed the Permission to Evaluate form dated January 5, 2001. Therefore, a violation of 511 IAC 7-25-6 is found.
2. Finding of Fact #3 indicates that the CCC convened on January 8, 2002; however, the Complainant left the meeting because the requested re-evaluation was not conducted with the Student. The CCC, after attempts to re-schedule a CCC meeting with the Complainant, re-convened on January 23, 2002, without the complainant in attendance. Therefore, there is no violation of 511 IAC 7-27-4(a)(2).

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Gary Community Schools shall:

Convene the CCC meeting for a pre-evaluation conference no later than November 8, 2002, and arrange for a re-evaluation to be conducted with the Student. **A copy of the CCC Report shall be submitted to the Division no later than November 12, 2002. After the re-evaluation is conducted and the CCC convened, a copy of the re-evaluation and the CCC Report/IEP shall be submitted to the Division no later than November 27, 2002.**